REMARKS

Prior to this amendment, claims 2, 5-15, 17-22 and 32-52 were pending in the application. By this amendment, claims 15, 32-39 and 48 have been cancelled. Claims 8, 9, 51 and 52 have been amended herein. Thus, claims 2, 5-14, 17-22, 40-47 and 49-52 are in the case.

All claims presented herein are fully supported by the application as filed and entry of the amendment is respectfully requested. Applicants offer the following remarks in response to comments made in the Office Action. For the Examiner's convenience, the remarks below are numbered according to the numbering of corresponding sections of the Office Action.

1. In paragraph 1 of the Office Action the Examiner states that in the Amendment and Reply to Office Action filed November 8, 2007, the status identifier for claim 10 should have read "previously presented". Applicants respectfully point out that a minor amendment of claim 10 did appear in that submission, and the added character was underlined; specifically, as discussed in the Remarks of the November 8, 2007 submission, the opening bracket in front of the "1" was added to the term "imidazo[4,5-f]-[1,10]phenanthroline".

2. In paragraph 2, the Examiner states that the previous rejection of claims 40-47, 49 and 50 under 35 USC 112, 1st paragraph was overcome by claim amendment and that all prior art rejections have been overcome. Applicants thank the Examiner for such reconsideration.

3. In paragraph 3, the Examiner states that the indicated allowability of claims 6, 7, 10, 17, 18, 20 and 22 is withdrawn to raise an obviousness-type double patenting rejection over claims of U.S. Patent No. 7,291,404 (Aziz *et al.*). Aziz *et al.* has the same effective U.S. filing date, does not have any inventors in common, and is not commonly owned. The Examiner further states that if the claimed invention was not made as a result of activities undertaken within the scope of a joint research agreement, then the obviousness-type double patenting rejection is moot.

At the time of the invention Dr. Suning Wang, a professor at Queen's University at Kingston (Assignee), and a postdoctoral fellow in her laboratory, Dr. Ruiyao Wang, were conducting research at Queen's University under a Strategic Research Grant from the Canadian granting council NSERC (Natural Sciences and Engineering Research Council) for which Xerox

Research Foundation was a "supporting organization". When they invented novel compounds with utility in an area in which Xerox worked, Dr. Suning Wang sent, under confidentiality, at least one of the novel compounds claimed herein to Xerox Research Centre (XRC) to be tested. Several months passed and Dr. Wang assumed XRC was not interested.

Still later, however, Dr. Wang was told by XRC that at least one of her compounds had demonstrated interesting properties and she was invited to a meeting on this. XRC indicated that it was interested in collaboratively working on such compound(s) with Queen's University and discussion of an Option Agreement began. However, it was decided that the two institutions would first file individual patent applications on their separate inventions on the same day, so the applications would not be citable against each other. The present inventors took great care in the preparation of the present application to include no confidential information learned from XRC after their own invention had been made.

Ultimately, discussions between XRC and Queen's University broke down. No Option Agreement (or other Agreement) was concluded and XRC did not license any rights in the present invention from Queen's University. The scientific publication cited by the Examiner (Advanced Functional Materials 15:1483-1487 (2005)) was published approximately two years after the effective filing date of the present application and summarized work by the two groups.

The Assignee listed on the front of U.S. Patent No. 7,291,404, L.G. Philips LCD Co., Ltd. of Seoul, Korea, is believed to be successor in title to XRC. This company has no rights in the present invention.

Accordingly, as U.S. Patent No. 7,291,404 and the present application have the same effective filing date, do not have any inventors in common and are not commonly owned, the obviousness-type double patenting rejection is believed to be moot. However, should the Examiner wish to discuss the matter, she is cordially invited to telephone Applicants' agent at the telephone number set forth at the end of this submission.

4. In paragraph 4, the Examiner states that previously withdrawn process claims 8, 9, 51 and 52 are rejoined; and previously withdrawn product claims 15, 32-39 and 48 are rejoined. Applicants thank the Examiner for such reconsideration.

6. In paragraph 6, the Examiner states that claims 15, 32-39 and 48 are rejected under 35 USC 112, first paragraph as failing to comply with the enablement requirement. Applicants do not agree. However, in an effort to expedite prosecution these claims have been cancelled herein. Applicants respectfully submit that in view of the cancelled claims the rejection is moot.

8. In paragraph 8, the Examiner rejects claims 8, 9, 51 and 52 under 35 U.S.C. 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner suggests that the definition of Z set forth in claims 8, 9, 51 and 52 is not fully consistent with the definition of Z set forth in the independent claims from claims 8, 9, 51 and 52 respectively depend. For greater clarity, Applicants have amended claims 8, 9, 51 and 52 to make them independent. Applicants believe that the amended claims meet the requirements of 35 U.S.C. 112, second paragraph. Accordingly, withdrawal of the rejection and reconsideration are respectfully requested.

10. In paragraph 10, the Examiner states that claims 2, 5-14, 17, 18, 20, 22, 40-47 and 49-52 are rejected on the ground of nonstatutory obviousness-type double patenting over claims 1-59, 61 and 62 of U.S. Patent No. 7,291,404. Applicants traverse this rejection, for at least the reasons set forth above and the following remarks.

Applicants submit that the present application and U.S. Patent No. 7,291,404 teach different properties of the compounds therein, and accordingly different uses of the compounds. That is, the present application claims certain novel compounds and methods of making the compounds, as well as devices wherein the compounds function as emitters. U.S. Patent No. 7,291,404 does not claim any compounds *per se*, but describes methods wherein certain compounds function as electron injectors, hole injectors, charge transporters or hole transporters. Devices employing compounds with such function are claimed. Accordingly, even though the compounds claimed in the present application overlap in scope with the compounds used in U.S. Patent No. 7,291,404, they are not invariably used in the same way. That is, one may employ the same compound in a first way taught in the present application or in a second, non-overlapping way taught in the issued patent.

Accordingly, the obviousness-type double patenting rejection is believed not to be in order. Withdrawal of the rejection and reconsideration are respectfully requested. If the Examiner wishes to discuss this or any other matter, or if she is inclined to issue a Final Office

Action, the favour of a telephone call to Applicants' undersigned agent is respectfully requested.

All claim fees, and any other fees, due with the filing of this Amendment and Reply to Office Action may be charged to Deposit Account 17-0110.

In view of the foregoing, Applicants submit that the pending claims are now in condition for allowance and respectfully request same.

Respectfully submitted,

Carol Miernicki Steeg
Reg. No. 39,359

PARTEQ Innovations
Room 1625, Biosciences Complex
Queen's University
Kingston, Ontario
Canada K7L 3N6
Phone: (613) 533-2342
Facsimile: (613) 533-6853